

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:24-cr-45(4)

vs.

JORGE PERAZA,

District Judge Michael J. Newman

Defendant.

ORDER: (1) GRANTING THE GOVERNMENT'S MOTION TO STAY DEFENDANT'S RELEASE ORDER (Doc. No. 115); (2) GRANTING THE GOVERNMENT'S MOTION TO REVOKE MAGISTRATE JUDGE JILL L. BURKHARDT'S BOND ORDER (Doc. No. 115); AND (3) REVOKING AND VACATING MAGISTRATE JUDGE BURKHARDT'S RELEASE ORDER AND BOND ORDER

On May 8, 2024, the Grand Jury indicted Defendant Jorge Peraza on one count of conspiracy of possessing with intent to distribute fentanyl and cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); and possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). Doc. No. 12. Defendant was recently arrested in California, and was, on December 10, 2024, released on bond by United States Magistrate Judge Jill L. Burkhardt in the Southern District of California. Doc. No. 115 at 351. The case is now pending on the Government's motion to stay Defendant's release and to revoke the Magistrate Judge's Detention Order. Doc. No. 115.

I.

“If a person is ordered released by a magistrate judge . . . the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order.” 18 U.S.C. § 3145(a)(1); *see United States v. Mehmed*, __F. Supp.3d __, No. 1:24-cr-74, 2024 WL 4097249, at *1 (S.D. Ohio, Sept. 6, 2024). The district court reviews *de novo* a magistrate judge's detention order. *United States v. Yamini*, 91 F. Supp.2d 1125, 1129-30 (S.D. Ohio 2000). Doing so,

the Court “should engage in the same analysis, with the same options, under § 3142 as the magistrate [judge].” *Id.* at 1129 (citing *United States v. Maull*, 773 F.2d 1479, 1482 (8th Cir. 1985)). A defendant may be detained pending trial if a judicial officer “finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e).

In the instant case, the Government’s motion establishes that it is properly brought in this Court pursuant to § 3145(a)(1) because the pending charges against Defendant originated in the indictment issued by the Grand Jury in the Southern District of Ohio. *See* Doc. No. 115 at PageID 355 and n.2. The Government has further established: (1) a presumption of detention applies in this case because probable cause exists—as shown by the indictment—that Defendant committed an offense for which the maximum term of imprisonment is ten years or more as prescribed in the Controlled Substances Act, 21 U.S.C. §§ 801, *et seq.*; (2) there is no condition or combination of conditions of pretrial release that can assure the community’s safety, particularly due to the charged offenses, the weight of the evidence, Defendant’s history and characteristics, and the nature and seriousness of the danger Defendant’s release poses, *see* Doc. No. 115 at PageID 356-59.

II.

For the above reasons, the Government’s motion to stay Defendant’s Release Order is **GRANTED**, the Government’s motion to revoke the Magistrate Judge’s Bond Order is **GRANTED**, and Magistrate Judge Burkhardt’s Release Order and Bond Order issued are **REVOKE**D and **VACATED**.

IT IS SO ORDERED.

December 17, 2024

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge

cc: United States Marshals Service
Dayton, Ohio

United States Probation and Pretrial Services
Dayton, Ohio

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